

EXHIBIT 1

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

FUSION ELITE ALL STARS, et al.,

Plaintiffs,

v.

VARSITY BRANDS, LLC, et al.,

Defendants.

Civ. Action No. 2:20-cv-02600

JESSICA JONES, et al.,

Plaintiffs,

v.

BAIN CAPITAL PRIVATE EQUITY, et al.

Defendants.

Civ. Action No. 2:20-cv-02892

**DECLARATION OF MATTHEW S. MULQUEEN IN SUPPORT OF MOTION TO
EXTEND EXPERT DISCOVERY DEADLINES**

I, Matthew S. Mulqueen, declare as follows:

1. I am counsel to Varsity Spirit, LLC, Varsity Brands, LLC, Varsity Brands Holding Co., Inc., Varsity Spirit Fashions & Supplies, LLC, Bain Capital, LP, and Charlesbank Capital Partners, LLC (“Varsity Defendants”) in the above-captioned actions and have been personally involved in the matters described below.

2. At the time the parties jointly proposed the current expert discovery deadline in May 2022, Defendants were not aware of how many experts Plaintiffs intended to disclose.

3. On June 20, 2022, Plaintiffs in the *Fusion Elite* and *Jones* cases disclosed testifying experts pursuant to the Court's May 10, 2022, scheduling order.

4. In *Fusion Elite*, the Plaintiffs disclosed two experts and produced a report authored by each expert. One of the *Fusion Elite* experts is an economist and the other is a professor of sport management.

5. In *Jones*, the Plaintiffs disclosed four experts and produced a report authored by each expert. Three of the *Jones* experts are economists and one is a consultant.

6. The six expert reports are voluminous, totaling over 600 pages inclusive of appendices. The reports contain over 2,100 footnotes with record citations and additional substantive material.

7. Defendants (including the Varsity Defendants, Jeff Webb, and the U.S. All Star Federation, Inc.) collectively and currently contemplate disclosing two responsive experts in each case. Defendants also anticipate that the same two experts will be disclosed in each case, meaning that each expert must prepare one or more reports in each case to respond to the *Fusion Elite* and *Jones* experts.

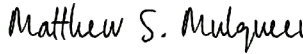
8. Defendants and their experts have worked diligently to timely review Plaintiffs' reports and to prepare responsive reports in time to meet the opposing expert deadline. This work began before Plaintiffs' disclosure deadline and continued at full speed immediately upon receipt of Plaintiffs' expert reports. Upon information and belief, Defendants' experts have committed a substantial amount of time on a near-daily basis to this work.

9. Despite this diligence, Plaintiffs' voluminous expert production has put a particular strain on Defendants' experts, one of whom has had multiple scheduling conflicts in

July and August. This expert is currently required to testify in a bench trial beginning on or about August 15, 2022, which will force the expert to divert their attention from these cases.

10. The requested extension of expert discovery is necessary to allow Defendants' experts adequate time to fully analyze and respond to Plaintiffs' expert reports.

11. I declare under penalty of perjury that the foregoing is true and correct. Executed on August 10, 2022.

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Matthew S. Mulqueen